

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEVEST COLEMAN,)	
)	Case No. 1:18-CV-00998
)	
<i>Plaintiff,</i>)	
)	Hon. Robert W. Gettleman
v.)	District Judge
)	
CITY OF CHICAGO, et al.,)	Hon. Maria Valdez
)	Magistrate Judge
)	
<i>Defendants.</i>)	
)	JURY TRIAL DEMANDED

**PLAINTIFF'S UNOPPOSED MOTION FOR
LEAVE TO FILE A SECOND AMENDED COMPLAINT**

Now comes Plaintiff, Nevest Coleman, by and through his attorneys, Loevy & Loevy and hereby moves this Honorable Court for leave to file a second amended complaint. In support of this motion, Plaintiff states as follows:

1. After filing the instant lawsuit, Plaintiff learned that one of the defendants, Chicago Police Officer William Foley, is deceased.
2. Plaintiff subsequently learned that Mr. Foley's estate was opened and then closed in 2004. At the time Plaintiff filed his lawsuit, there was no representative of Mr. Foley's estate.
3. On April 16, 2019, the Circuit Court of Cook County granted a petition filed by Derrell Fulton, Plaintiff's co-plaintiff for the discovery phase of their individual lawsuits, to reopen Mr. Foley's estate and issued successive letters of administration to Geri Lynn Yanow, naming her independent administrator of Mr. Foley's estate. *See* Exhibit A.

4. Plaintiff now seeks leave to file a second amended complaint naming as a defendant Ms. Yanow in her capacity as independent administrator of Mr. Foley's estate. The second amended complaint is otherwise the same in substance as Plaintiff's first amended complaint. A copy of the proposed second amended complaint is attached as Exhibit B.

5. Pursuant to Federal Rule of Civil Procedure 15(a)(2), a court should freely grant a party leave to amend pleadings when justice so requires.

6. Mr. Foley played a pivotal role in the investigation that led to Plaintiff's wrongful arrest and conviction. Justice dictates that Plaintiff be permitted to pursue Mr. Foley's estate for the injuries occasioned by Mr. Foley's conduct.

7. Moreover, Defendant City has known for quite some time that Plaintiff would seek leave to name a representative of Mr. Foley's estate in this lawsuit. Indeed, counsel for Defendant City identified Ms. Yanow as a suitable person to act as representative of Mr. Foley's estate, and facilitated her appointment as such in the Cook County Circuit Court.

8. Furthermore, this Court granted Plaintiff's motion for an extension of time to serve a representative of Mr. Foley's estate while Plaintiff's petition to appoint Ms. Yanow was pending in state court, which order necessarily contemplates that an amended complaint would be filed. (ECF Nos. 93 and 98.)

9. On information and belief, counsel for the other individually-named Defendant Officers will also represent Mr. Foley's estate, which further obviates any unfair prejudice to the estate from being added to the lawsuit at this juncture.

10. Defendants do not oppose this motion.

Wherefore, Plaintiff respectfully requests an order granting him leave to file a second amended complaint.

Respectfully submitted,

NEVEST COLEMAN

BY: /s/ Russell Ainsworth
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I, Russell Ainsworth, an attorney, hereby certify that, on May 8, 2019, I filed the foregoing Unopposed Motion for Leave to File a Second Amended Complaint using the Court's CM-ECF system, which effected service on all counsel of record.

BY: /s/ Russell Ainsworth
Attorney for Plaintiff